

07/03/03

NUMBER: EL 831832181 US

DATE OF DEPOSIT : July 3, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Ben Pugh
Signature

Signature _____

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REQUEST FOR FILING DIVISIONAL APPLICATION

UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application **U.S. Serial No. 09/427,770, filed October 27, 1999, entitled “Coleopteran-Resistant Transgenic Plants And Methods Of Their Production.”**

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/427,770 as originally filed, including specification (625 total pages), claims (8 pages), drawings (19

sheets), sequence listing (249 pages), appendix (168 pages) abstract (1 page), and declarations of the nine inventors. The undersigned hereby verifies to the best of his knowledge that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

☒ The inventorship is the same as prior Application Serial No. 09/427,770.

- ☒ 2. The Commissioner is authorized to charge the filing fee of **\$834.00** to Deposit Account No. 01-2508/11792.0218.DVUS01 to cover the filing fee as calculated upon entry of the Preliminary Amendment referred to in Item No. 6 below.

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$750.00
Total Claims	9 - 20 =	0 X	\$18.00 =	\$000.00
Independent Claims	4 - 3 =	1 X	\$84.00 =	\$84.00
Multiple Dependent Claim(s) -----			\$280.00	\$-0-.00
TOTAL FILING FEES:				\$834.00

- ☒ 3. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Deposit Account No. 01-2508/11792.0218.DVUS01.
- ☒ 4. The prior application is presently assigned to Monsanto Technology LLC.
- ☒ 5. Enclosed is a copy of the current Power of Attorney executed on behalf of Monsanto Technology LLC.
- ☒ 6. Enclosed are the Formal Drawings Figures 1-17 (on 19 sheets).
- ☒ 7. Enclosed is a preliminary amendment.
- ☒ 8. An Information Disclosure Statement (IDS) is enclosed.
- ☒ Form PTO-1449 and references B1-B4 and C 41.
- ☒ 9. Enclosed is a substitute sequence listing and the computer readable form, which have been updated to Patent In Version 3.2, from the copending application, Serial No. 09/427,770, filed October 27, 1999. Statements required under 37 C.F.R. § 1.821 (f) and (g) are also included.
- ☒ 10. Address all future communications to:

Ms. Patricia A. Kammerer
Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

- ☒ 11. Return Receipt Postcard (specifically itemized).

Respectfully submitted,



Patricia A. Kammerer

Reg. No. 29,775

Attorney for Assignee

MONSANTO TECHNOLOGY LLC

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Date: July 3, 2003